UNITED STATES COURTS
SOUTHERN DISTRICT OF TEXAS
FILED

JUN 0 3 2008

Michael N. Milby, Clerk of Court

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF TEXAS

HOUSTON Division

PETITION FOR A WRIT OF HABEAS CORPUS BY A
PERSON IN STATE CUSTODY

WILLIAM LEWIS REECE	O.B. ELLIS 1 UNIT
PETITIONER (Full name of Petitioner)	CURRENT PLACE OF CONFINEMENT
	831080
vs.	PRISONER ID NUMBER
NATHANIEL QUARTERMAN	
RESPONDENT (Name of TDCJ Director, Warden, Jailor, or authorized person having custody of petitioner)	CASE NUMBER (Supplied by the Clerk of the District Court)

INSTRUCTIONS - READ CAREFULLY

1. The petition must be legibly handwritten or typewritten, and signed by the petitioner, under penalty of perjury. Any false statement of an important fact may lead to prosecution for perjury. Answer all questions in the proper space on the form.

2. Additional pages are not allowed except in answer to questions 11 and 20. Do not cite legal authorities. Any additional arguments or facts you want to present must be in a separate memorandum.

3. When the Clerk of Court receives the $5.00 filing fee, the Clerk will file your petition if it is in proper order.

4. If you do not have the necessary filing fee, you may ask permission to proceed *in forma pauperis*. To proceed *in forma pauperis*, (1) you must sign the declaration provided with this petition to show that you cannot prepay the fees and costs, and (2) if you are confined in TDCJ-ID, you must send in a certified *In Forma Pauperis* Data Sheet from the institution in which you are confined. If you are in an institution other than TDCJ-ID, you must send in a certificate completed by an authorized officer at your institution certifying the amount of money you have on deposit at that institution. If you have access or have had access to enough funds to pay the filing fee, then you must pay the filing fee.

5. Only judgments entered by one court may be challenged in a single petition. If you want to challenge judgments entered by different courts, either in the same state or in different states, you must file separate petitions as to each court.

6. Include all your grounds for relief and all the facts that support each ground for relief in this petition.

7. When you have finished filling out the petition, mail the original and two copies to the Clerk of the United States District Court for the federal district within which the State court was held which convicted and sentenced you, or to the federal district in which you are in custody. A "VENUE LIST," which lists U.S. District Courts in Texas, their divisions, and the addresses for the clerk's office for each division, is posted in your unit law library. You may use this list to decide where to mail your petition.

8. Petitions that do not meet these instructions may be returned to you.

PETITION

What are you challenging? (Check only one)

XX☒XX	A judgment of conviction or sentence, probation or deferred-adjudication probation	(Answer Questions 1-4, 5-12 & 20-23)
☐	A parole revocation proceeding.	(Answer Questions 1-4, 13-14, & 20-23)
☐	A disciplinary proceeding.	(Answer Questions 1-4, 15-19 & 20-23)

All petitioners must answer questions 1-4:

1. Name and location of the court (district and county) which entered the conviction and sentence that you are presently serving or that is under attack: 300th JUDICIAL DISTRICT COURT OF BRAZORIA COUNTY, TEXAS, ANGLETON, TEXAS

2. Date of judgment of conviction: APRIL 27, 2007

3. Length of sentence: THREE (3) YEARS

4. Nature of offense and docket number (if known): THEFT OF STOLEN PROPERTY---#39,905

Judgment of Conviction or Sentence, Probation or Deferred-Adjudication Probation:

5. What was your plea? (Check one)

XX☒XX Not Guilty ☐ Guilty ☐ Nolo contendere

6. Kind of trial: (Check one) ☐ Jury X☒XX Judge Only

CONTINUED ON NEXT PAGE

7. Did you testify at the trial? ☐ Yes xxx No

8. Did you appeal the judgment of conviction? ☐ Yes xxxx No

9. If you did appeal, in what appellate court did you file your direct appeal?

_______________ Cause Number (if known) _______________

What was the result of your direct appeal (affirmed, modified or reversed): __________

What was the date of that decision? _______________

If you filed a petition for discretionary review after the decision of the court of appeals, answer the following:

Result: _______________

Date of result: __________ Cause Number (if known): __________

If you filed a petition for *writ of certiorari* with the United States Supreme Court, answer the following:

Result: _______________

Date of result: _______________

10. Other than a direct appeal, have you filed any petitions, applications or motions from this judgment in any court, state or federal? This includes any state application for writ of habeas corpus that you may have filed.

xxxxxx Yes ☐ No

11. If your answer to 10 is "Yes," give the following information:

Name of court: 300th JUDICIAL DISTRICT COURT OF BRAZORIA COUNTY TEXAS

Nature of proceeding: WRIT OF HABEAS CORPUS/TEX.CODE OF CRIM.PROCEDURE, ART. 11.07

Cause number (if known): #39,905-A

Date (month, day and year) you filed the petition, application or motion as shown by a file-stamped date from the particular court.

January 23, 2008

Grounds raised: DENIAL OF SPEEDY TRIAL----INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL

CONTINUED ON NEXT PAGE

Date of final decision: APRIL 30, 2008

Name of court that issued the final decision: COURT OF CRIMINAL APPEALS OF TEXAS

As to any ***second*** petition, application or motion, give the same information:

Name of court: ____

Nature of proceeding: ____

____

Date (month, day and year) you filed the petition, application or motion as shown by a file-stamped date from the particular court.

____

Grounds raised: ____

____

____

Date of final decision: ____

Name of court that issued the final decision: ____

If you have filed more than two petitions, applications, or motions, please attach an additional sheet of paper and give the same information about each petition, application, or motion.

12. Do you have any future sentence to serve after you finish serving the sentence you are attacking in this petition?

☐ Yes xx☒xx No

(a) If your answer is "yes," give the name and location of the court that imposed the sentence to be served in the future:

____

____

(b) Give the date and length of the sentence to be served in the future: ____

____

(c) Have you filed, or do you intend to file, any petition attacking the judgment for the sentence you must serve in the future?

☐ Yes ☐ No

CONTINUED ON NEXT PAGE

Parole Revocation:

13. Date and location of your parole revocation: ______________________________

14. Have you filed any petitions, applications, or motions in any state or federal court challenging your parole revocation?

☐ Yes ☐ No

If your answer is "yes," complete Question 11 above regarding your parole revocation.

Disciplinary Proceedings:

15. For your original conviction, was there a finding that you used or exhibited a deadly weapon? ☐ Yes ☐ No

16. Are you eligible for mandatory supervised release? ☐ Yes ☐ No

17. Name and location of prison or TDCJ Unit that found you guilty of the disciplinary violation:

____

Disciplinary case number: ____

18. Date you were found guilty of the disciplinary violation: ______________________

Did you lose previously earned good-time credits? ☐ Yes ☐ No

Identify all punishment imposed, including the length of any punishment if applicable, any changes in custody status, and the number of earned good-time credits lost: _________

____

19. Did you appeal the finding of guilty through the prison or TDCJ grievance procedure?

☐ Yes ☐ No

If your answer to Question 19 is "yes," answer the following:

Step 1 Result: ____

____

Date of Result: ____

Step 2 Result: ____

____

CONTINUED ON NEXT PAGE

Date of Result: ______________________________

All applicants must answer the remaining questions:

20. State clearly every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting them.

CAUTION:
Exhaustion of State Remedies: You must ordinarily present your arguments to the highest state court as to each ground before you can proceed in federal court.
Subsequent Petitions: If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

Following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement is a separate ground for possible relief. You may raise any grounds, even if not listed below, if you have exhausted your state court remedies. However, you should raise in this petition all available grounds (relating to this conviction) on which you base your belief that you are being held unlawfully.

DO NOT JUST CHECK ONE OR MORE OF THE LISTED GROUNDS. Instead, you must also STATE the SUPPORTING FACTS for ANY ground you rely upon as the basis for your petition.

XXXX (a) Conviction obtained by a plea of guilty which was unlawfully induced, or not made voluntarily, or made without an understanding of the nature of the charge and the consequences of the plea.

(b) Conviction obtained by the use of a coerced confession.

(c) Conviction obtained by the use of evidence gained from an unconstitutional search and seizure.

(d) Conviction obtained by the use of evidence obtained from an unlawful arrest.

(e) Conviction obtained by a violation of the privilege against self-incrimination.

(f) Conviction obtained by the prosecution's failure to tell the defendant about evidence favorable to the defendant.

(g) Conviction obtained by the action of a grand or petit jury which was unconstitutionally selected and impaneled.

(h) Conviction obtained by a violation of the protection against double jeopardy.

XXXX (i) Denial of effective assistance of counsel.

(j) Denial of the right to appeal.

(k) Violation of my right to due process in a disciplinary action taken by prison officials.

CONTINUED ON NEXT PAGE

A. **GROUND ONE:** VIOLATION OF MY RIGHT TO DUE PROCESS AND DUE COURSE OF LAW COURT ALLOWED FACTS AND CIRCUMSTANCES OF AN UNADJUDICATED OFFENSE INTO CONVICTING OFFENSE

Supporting FACTS (tell your story briefly without citing cases or law):

B. **GROUND TWO:** VIOLATION OF THE SPEEDY TRIAL ACT, WHEN I REQUESTED MY DESIRE TO A SPEEDY TRIAL UPON TWO OCCASSIONS/WAS DENIED

Supporting FACTS (tell your story briefly without citing cases or law):

ON JANUARY 29, 2001, I WAS NOTIFIED THAT A DETAINER WAS PLACED AGAINST ME FOR THEFT, I FILED MY FIRST REQUEST TO THE BRAZORIA DISTRICT COURT REQUESTING A SPEEDY TRIAL IN MARCH, 2001, I NEVER HEARD ANYTHING BACK FROM THE COURT/CLERK. AGAIN, I FILED MY MOTION TO THE COURT ON OCTOBER/NOVEMBER, 2006, FOR A SPEEDY TRIAL. FINALLY THE COURT BENCH WARRANTED ME TO THE COURT ON FEBRUARY, 2007 AND APPOINTED ME COUNSEL AND I FINALLY WENT TO COURT ON THE 27th DAY OF APRIL, 2007. A TOTAL OF NINE AND A HALF (9½) YEARS AFTER THE DATE OF OFFENSE: AND SIX (6) YEARS AFTER MY FIRST REQUEST FOR A SPEEDY TRIAL TO THE BRAZORIA COUNTY DISTRICT COURT.

C. **GROUND THREE:** DENIED INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL, WHEN TRIAL COUNSEL PERFORMED HER DUTIES BASED ON HER FRIENDSHIP OF THE PARENTS OF A TWELVE YEAR OLD GIRL OF AN UNADJUDICATED OFFENSE THAT HAD NO SUFFICIENCE TO THE CASE AT BAR

Supporting FACTS (tell your story briefly without citing cases or law):

MS. JULIE KETTERMAN WAS APPOINTED TRIAL COUNSEL ON FEBRUARY 9, 2007, TO REPRESENT ME ON THE "THEFT OF STOLEN PROPERTY" CHARGES UNDER CAUSE NO. 39,905: I MADE MY FULL INTENTIONS KNOWN ABOUT MY DESIRE TO USE AS A DEFENSE FOR BEING DENIED MY RIGHT TO A SPEEDY TRIAL, AND THE STATUTE OF LIMITATIONS RUNNING OUT ON THE CURRENT CASE MATTER. MS. KETTERMAN WASN'T CONCERNED ABOUT ANYTHING EXCEPT MAKING A PLEA BARGAIN AGREEMENT. AFTER SEVERAL TRIES I FINALLY PLED GUILTY, AND MS. KETTERMAN TOLD ME THAT SHE WAS DOING THIS FOR THE SMITHERS (THE PARENTS OF A KIDNAPPED AND MURDERED 12 YEAR OLD GIRL IN ANOTHER CASE THAT HAD NOTHING TO DO WITH THIS CASE). THE ASSISTANT DISTRICT ATTORNEY WAS IN DIRECT CONTACT AND INVITED THE SMITHERS TO VISIT ME IN JAIL AND ASK ME HOW I WAS GOING TO PLEAD. ALL OF MY FILES/RECORDS ARE LOST/DESTORIED/OR HIDDEN IN THS CASE.

CONTINUED ON NEXT PAGE

D. **GROUND FOUR:** RESPONDENTS ACTED IN A CONSPIRING MANNER WHEN DENYING ME RIGHTS TO DUE PROCESS, DUE COURSE OF LAW, SPEEDY TRIAL, AND EFFECTIVE ASSISTANCE OF TRIAL COUNSEL: FURTHER LOSING/DESTORYING FILES/RECORDS DENYING ME MY RIGHT TO REDRESS THE GOVERNMENT FOR GRIEVANCES BECAUSE OF USE OF AN UNADJUDICATED OFFENSE

Supporting FACTS (tell your story briefly without citing cases or law):

DURING THE FULL EXTENT OF MY TRIAL/PLEA BARGAIN AGREEMENT, I WAS DENIED ANY OF MY RIGHTS TO A FAIR AND MEANINGFUL HEARING OF THE FACTS AND ISSUES OF MY CASE WHEN THE 300TH JUDICIAL COURT AND ITS OFFICERS, AS WELL AS THE COURT APPOINTED TRIAL COUNSEL ACTED ONE WITH ANOTHER IN A CONSPIRING MANNER TO DENY ME MY RIGHTS BY CONSIDERING THE FACTS AND CIRCUMSTANCES OF AN UNADJUDICATED OFFENSE IN WHICH I WAS BEING INVESTIGATED FOR BY THE FBI AND SEVERAL SURROUNDING COUNTIES. THE COURT OFFICERS ENGAGED IN, EXECUTED AND CARRIED OUT A CONSPIRACY TO PREVENT ME FROM REDRESSING THE STATE GOVERNMENT/COURT FOR GRIEVANCES WHEN THEY USED THEIR POWERS, AND AUTHORITIES UNDER COLOR OF STATE LAW AND OFFICE TO SUCCEED IN THEIR CONSPIRACY AGAINST MY RIGHTS.

21. Have you previously filed a federal habeas petition attacking the same conviction, parole revocation, or disciplinary proceeding that you are attacking in this petition?

☐ Yes xXxx No

If your answer is "yes," give the date on which each petition was filed, the federal court in which it was filed, and whether the petition was (a) dismissed without prejudice or (b) denied.

22. Are any of the grounds listed in paragraph 20 above presented for the first time in this petition?

☐ Yes xXxx No

If your answer is "yes," state briefly what grounds are presented for the first time and give your reasons for not presenting them to any other court, either state or federal.

CONTINUED ON NEXT PAGE

23. Do you have any habeas corpus proceedings or appeals now pending in any court, either state or federal, relating to the judgment or proceeding under attack?

☐ Yes xx☒xx No

If "yes," identify each type of proceeding that is pending (i.e., direct appeal, art. 11.07 application, or federal habeas petition), the court in which each proceeding is pending, and the date each proceeding was filed.

____

____

Wherefore, petitioner prays that the Court grant him the relief to which he may be entitled.

____
Signature of Attorney (if any)

____

____

____

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on May 29th 2008 (month, date, year).

Executed on May 29th 2008 (date).

William Lewis Reece
Signature of Petitioner (required)

Petitioner's current address: H-17-1-11, 1697 FM 980; Huntsville, Texas 77343

____

____